

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN Re:

Debra Terri Cataldo,
Debtor,

Ronda J. Winnecour, Chapter
13 Trustee,
Movant,

vs.

Debra Terri Cataldo,
Respondent

Case No. 16-24665-CMB

Chapter 13

Related to Document No. 131
Docket Document No. 134

RESPONSE TO MOTION TO DISMISS

AND NOW the Debtor Debra Terri Cataldo, through attorney David A. Colecchia, files the within Response to the Trustee's Motion to Dismiss. In support of said Response, the Debtor avers the following:

1. Admitted.
2. Admitted.
3. Admitted in part, and denied in part. It is admitted that at this time, the Trustee does not have sufficient funds to complete the Plan. By way of further response, see the response to Paragraph 4.
4. It is admitted that the Trustee required \$2,154.62 at the time of filing the Motion to complete the Plan, assuming takeover in september. However, it is denied the Trustee still requires that amount to complete the Plan, as since the filing of the Motion to Dismiss, the Debtor's wage attachment has continued to remit, and the Debtor has supplemented that wage attachment with payments from her own funds. At this point, the Debtor estimates less than \$1,000 is needed to complete the Plan base.
5. It is admitted that if the Trustee has to pay the claim of the PHFA, the Plan base will increase substantially. However, the Debtor has filed an adversary action seeking to have that second mortgage stripped off, as no equity exists on the property after the first mortgage. Once that adversary completed, the question of PHFA will be rendered moot.

6. This is a statement of the Trustee's intent, not a statement of fact that requires a response. However, if a response is required, the same is admitted. By way of further response, the debtor is working to provide all remaining funds necessary to the Trustee to complete the Plan.
7. Admitted in part, and denied in part. By way of further response, see the response to paragraphs 4 and 5, above.

WHEREFORE, the Debtor respectfully requests the Trustee's Motion to Dismiss be denied.

Dated: July 6, 2022

Respectfully requested,

/s/David A. Colecchia
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